

Document Control

This revision adopted March 2026

Meeting minute: 26.03.16

Next review date: March 2027

Old Buckenham Parish Council



Old Buckenham Parish Council Anti-Bullying & Harassment Practical Guide notes

Contents

1	Introduction	2
2	Clerk to Councillor(s)	2
3	Councillor(s) to Clerk	4
4	Member of the public to clerk and/or councillor(s)	6
5	Bullying and Harassment Background Notes	7
5.1	Scenario 1 Clerk or other employee bullying or harassing.	8
5.2	Scenario 2 Councillor bullying or harassing.	9
5.3	Scenario 3 member of the public bullying or harassing.	9

This Anti-Bullying & Harassment Practical Guide was adopted by the council at its meeting held on 5th March 2026.

DOCUMENT ID.	REV.	STATUS	PAGE
OBPC ANTIBULLYING & HARASSMENT- PRACTICAL GUIDE NOTES -REV A	A	Approved	1/10

1 Introduction

Bullying and harassment is a serious issue that can have a disastrous impact on an individual's mental health and wellbeing and their ability to carry out their work or duties.

If you have been subject to or have observed bullying the following flowcharts will help you to deal with it in a practical way.

2 Clerk to Councillor(s)

Clerk is an Employee of Council

Identify cause.

Councillors make a complaint to full council or delegated Sub-Committee with appropriate powers/terms of reference to investigate.

(e.g., disagreement with work of Clerk, personal disagreements.)

Create a Folder (Audit Trail)

The Council / Sub Cttee's record of the complaint needs to include the following:

- The Councillor(s)' complaint.
- Minutes of the Council/Sub-Committee which received the complaint and the decisions taken to address it.

Ensure minutes include details of councillors appointed to undertake any informal or formal investigations.

- Letter of invitation to the Employee to attend an Informal Investigatory meeting.
- Transcript of the informal meeting, signed by all present
- Minutes of the subsequent Council/sub-committee meeting at which a decision is taken as to what should happen next
- Letter of invitation to a Formal Disciplinary Hearing, should that be deemed necessary by the Council / Sub Cttee.
- Transcript of the Disciplinary Hearing.
- The Formal outcome letter.
- Details of any subsequent Appeals conducted by the Full Council

The above details must be sorted securely as they may be needed by the Council as evidence in any subsequent legal action by the Employee.

Keep copies of **ALL** communications, including: -

Emails, Social Media posts (Take Screenshots for folder.)

Phone calls (Date, time, duration & contemporaneous notes.)

You **MUST** advise complainant you are keeping record (GDPR)

DOCUMENT ID. OBPC ANTIBULLYING & HARASSMENT- PRACTICAL GUIDE NOTES -REV A	REV. A	STATUS Approved	PAGE 2/10
---	-----------	--------------------	--------------

Follow HR procedures in Standing Orders.

The Council needs to make sure that its Formal Disciplinary procedure is up to date and fit for purpose. i.e., it identifies which bodies have authority to carry out what action and the appropriate terms of reference are in place.

Identify which policy to enact, e.g., bullying & harassment, vexatious behaviour, dignity at work, code of conduct. This will guide you in next step to take.

1. No further action necessary.
2. Issue verbal warning.
3. Issue written warning.
4. Dismissal.

Both parties should be informed of the outcome in writing.

Ensure policies are fit for purpose and followed to the letter.

Additional Support

County Association (Norfolk ALC) and its HR Adviser, District Council, including HR and the Monitoring Officer (MO), ALCC/SLCC, NALC. Police.

You may share your audit trail as necessary

Desired Outcome

To achieve a good working relationship

3 Councillor(s) to Clerk

Clerk is an Employee of Council

Identify cause.

Contained within the employee's complaint about the councillor(s)' conduct.
(e.g., disagreement with decisions taken by the council, personal disagreements.)

Create a Folder (Audit Trail)

The Council / Sub Cttee's record of the employee's complaint needs to include the following:

- The employee(s)' complaint.
- Minutes of the Council/Sub-Committee which received the complaint and the decisions taken to address it. Ensure minutes include details of councillors appointed to undertake any informal or formal investigations.
- Letter of invitation to the Councillor to attend an Informal Investigatory meeting.
- Transcript of the informal meeting, signed by all present
- Minutes of the subsequent Council/sub-committee meeting at which a decision is taken as to what should happen next
- Referral details to the Monitoring Officer if the Investigatory Panel find that some or all of the complaint is concerned with the Code of Conduct.
- Letter of invitation to a Formal Grievance Hearing, if some or all of the complaint is concerned with internal matter which the Council can address.
- Transcript of the Grievance Hearing.
- The Formal outcome letter.
- Details of any subsequent Appeals conducted by the Full Council

The above details must be sorted securely as they may be needed by the Council as evidence in any subsequent legal action by the Councillor.

Keep copies of **ALL** communications, including: -
Emails, Social Media posts (Take Screenshots for folder.)
Phone calls (Date, time, duration & contemporaneous notes.)

You MUST advise complainant you are keeping record (GDPR)

Follow HR procedures in Standing Orders.

The Council needs to make sure that its Formal Grievance procedure is up to date following the Ledbury decision at the Supreme Court and fit for purpose. i.e., it identifies which bodies have authority to carry out what action and the appropriate terms of reference are in place.

Identify which policy to enact, e.g., bullying & harassment, vexatious behaviour, dignity at work, code of conduct. This will guide you in next step to take.

1. No further action necessary.
2. Issue verbal warning.
3. Issue written warning.

Both parties should be informed of the outcome in writing.

Additional Support

County Association (Norfolk ALC) and its HR Adviser, District Council, including HR and the Monitoring Officer (MO), ALCC/SLCC, NALC. Police.

Additional Information

An Elected Councillor cannot be removed during their term unless they commit Fraud.

They can be removed from a meeting if they are abusive, or meeting can be stopped.

4 Member of the public to clerk and/or councillor(s)

Identify cause.

Contained within the complaint about the member of the public's conduct.

(e.g., disagreement with decisions taken by the council, personal disagreements, behaviour at meetings, social media activity.)

Create a Folder (Audit Trail)

The Council / Sub Cttee's record of the complaint needs to include the following:

- The substance of the complaint(s).
- Minutes of the Council/Sub-Committee which received the complaint and the decisions taken to address it.

Ensure minutes include details of councillors appointed to undertake any informal or formal investigations.

- Minutes of the subsequent Council/sub-committee meeting at which a decision is taken as to what should happen next
- The Formal outcome letter.

The above details must be sorted securely as they may be needed by the Council as evidence in any subsequent legal action.

Keep copies of **ALL** communications, including: -

Emails, Social Media posts (Take Screenshots for folder.)

Phone calls (Date, time, duration & contemporaneous notes.)

You MUST advise complainant you are keeping record (GDPR)

Follow procedures in Standing Orders.

The Council needs to make sure that its procedures are up to date following the Ledbury decision at the Supreme Court, and fit for purpose. i.e., it identifies which bodies have authority to carry out what action and the appropriate terms of reference are in place.

Identify which policy the alleged behaviour is in breach of and the manner in which it has or in which it is anticipated it will, impact on the ability of the council to perform its duties and functions; e.g., bullying & harassment, vexatious behaviour, dignity at work, code of conduct. This will guide you in next step to take.

Both parties should be **informed of the outcome in writing.**

Additional Support

County Association (Norfolk ALC) and its Adviser, District Council, ALCC/SLCC, NALC. Police.

5 Bullying and Harassment Background Notes

Bullying and harassment is a serious issue that needs to be dealt with appropriately.

Where an accusation of such behaviour is made it is imperative that the matter is taken seriously and that any investigations are undertaken in a timely and professional manner.

Notes need to be kept, and retained, relating to any actions undertaken to rectify or investigate behaviour. In all instances it is imperative that the council's standing orders are consulted and adhered to, although it is permissible for them to be updated providing that proper procedures are followed.

Behaviour that is perceived as bullying or harassment can originate from any of three sources; an employee of the council (usually the clerk), a member of the council (elected or co-opted); or a member of the public. The origin of the complained of behaviour will determine the appropriate route to be followed in investigating the accusation, which procedure to follow and hence the possible outcomes. The most common scenarios in which bullying or harassment can occur involve clerk's behaviour towards member(s) and member(s)' behaviour towards clerks.

DOCUMENT ID.	REV.	STATUS	PAGE
OBPC ANTIBULLYING & HARASSMENT- PRACTICAL GUIDE NOTES -REV A	A	Approved	7/10

The flow charts “Above” are intended to assist clerks and councillors to navigate their way through what can often be a tense and fraught situation with the aim of protecting the wellbeing of everybody involved, and with the further aim of reaching a quick and equitable resolution of the issues.

5.1 Scenario 1 Clerk or other employee bullying or harassing.

This would be addressed through the Internal Dispute Resolution Procedure, and could be treated as potential gross misconduct by an Employee. Most formal disciplinary procedures will identify bullying, harassment and/or intimidation as potential Gross Misconduct, which may result in dismissal without prior formal warning or notice.

If a member (or indeed anyone else) believes that they are being subject to such conduct by an employee of the council, they need to inform the relevant body that deals with disciplinary issues. The default body is the full council, but this responsibility may have been delegated by Formal Resolution to a Sub-Committee for that body to deal with it. However, a council would need to check its standing orders for that committee. As the outcome of this complaint could result in dismissal, there is every likelihood that the matter could be subject to judicial scrutiny at the Employment Tribunal in a claim for Unfair Dismissal. If that dismissal has been conducted by a body without clear terms of reference to enable them to dismiss someone, the Council could find itself on thin ice.

Once a complaint has been made, the proper body, either a delegated Sub-Committee or Full Council, would need to investigate it. To do that they could arrange for an Investigatory Panel of 2-3 Members to conduct an Informal Meeting with the employee to give them an opportunity to explain their side of events. Legally the Clerk would not be entitled to be accompanied at this meeting as it isn't a formal hearing, and no Formal Disciplinary action will be taken during the meeting; however, in the interest of fairness and to ensure that the clerk does not feel that they are being subjected to bullying or intimidatory behaviour, it is recommended that they should be allowed to bring a union representative or other “friend” to any and all of the meetings at which their behaviour is discussed. This friend should be someone who is of standing who will assist the clerk and the panel to conduct proceedings in a fair manner to reach an equitable resolution of the matters under discussion. The panel would normally be expected to be informed of this person's presence in advance of any meetings and to allow their attendance unless there is some overriding reason not to. The panel will then report their findings of their investigation back to the Full Council/delegated Sub-Committee for a decision to be taken from one of the following options:

1. No further action to be taken and the Clerk informed of that decision.
2. A Formal Disciplinary Hearing to be conducted based on alleged Gross Misconduct. The employee could be suspended on full pay following the investigation meeting up to the date of the Disciplinary Hearing.
3. A Formal Disciplinary Hearing could be conducted to consider a less serious

DOCUMENT ID.	REV.	STATUS	PAGE
OBPC ANTIBULLYING & HARASSMENT-PRACTICAL GUIDE NOTES -REV A	A	Approved	8/10

allegation than Gross Misconduct. The findings should be communicated in writing to the clerk and to any complainant.

5.2 Scenario 2 Councillor bullying or harassing.

With regards to the scenario of councillors bullying employees of the Council, this falls under the Code of Conduct, Section 28 of the Localism Act 2011.

As such, it can only be dealt with by the Monitoring Officer. However, the Council has to demonstrate that it is taking appropriate steps to support their Employee(s) and try to resolve their complaint within the current legal framework. The Employee should make their complaint to the Full Council or relevant Sub-Committee that has delegated powers to deal with Employee Grievances. Again, it is important to check the terms of reference for any Sub-Committee that takes on this responsibility, as a councillor could pursue legal action against the Council on the grounds that it had acted Ultra Vires and had imposed an inappropriate detriment upon them as a Councillor.

The Council or the Committee should arrange for an Investigatory Panel to meet with the Employee to find out what their complaint is, and whether or not it is wholly concerned with the Code of Conduct. If it is, the Council or Sub-Committee need to refer the matter to the District Monitoring Officer in accordance with the Committee on Standards in Public Life's best practice recommendation.

If any element of the complaint isn't concerned with the Code of Conduct, the Council can address that as a separate internal Grievance procedure.

5.3 Scenario 3 member of the public bullying or harassing.

In this third scenario, while the council could send warning letters to any alleged perpetrator informing them that their behaviour is unacceptable and that repetitions could result in them being excluded from future meetings; the only sanctions available ultimately lie with the police.

The Local Government Act 1972 provides a right of access to members of the public to observe and listen to the proceedings of public meetings. However, this right is qualified in a number of ways; for example, the Council is only required to provide reasonable (but limited) accommodation, and members of the public may be excluded where the nature of the business to be transacted is "confidential" or "exempt" (section 100A). In particular, section 100A(8) states that "this section is without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting". By implication this subsection allows for the exclusion of someone who is being disorderly or misbehaving. The following cases would appear to confirm that local authorities have a common law power to exclude people whose disorderly conduct or other misbehaviour disrupts (or threatens to disrupt) the business of the meeting and that the power can be used either in advance of the meeting or at the meeting itself: -

- Appleby v United Kingdom;

DOCUMENT ID. OBPC ANTIBULLYING & HARASSMENT- PRACTICAL GUIDE NOTES -REV A	REV. A	STATUS Approved	PAGE 9/10
---	-----------	--------------------	--------------

- Mayor, Aldermen, and Burgesses of Tenby v Mason;
- Jane Laporte, Nicolas Christian v The Commissioner of Police of the Metropolis;
and
- Regina v Brent Health Authority, Ex parte Francis.

In practical terms however the physical exclusion of someone who is exhibiting bullying or harassing behaviour would have to be left to the police.

If there are no police present at a meeting where someone is exhibiting unacceptable behaviour, or where any police present are unwilling or unable to act; the only practical solution available to chairs of meeting is to suspend or postpone the meeting.

In order to exclude someone from a meeting it is suggested that this is a decision that would need to be made by the council and would need to be supported by evidence of the actual or anticipated objectionable conduct. Once a decision has been made to exclude someone this should be minuted and communicated to the relevant parties in writing. If the behaviour continues, the evidence originally used to make the exclusion decision, a copy of the minute to exclude and any evidence of subsequent behaviour should be passed to the police for them to consider if any further action needs to be undertaken by them.

DOCUMENT ID.	REV.	STATUS	PAGE
OBPC ANTIBULLYING & HARASSMENT- PRACTICAL GUIDE NOTES -REV A	A	Approved	10/10